

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

|                               |   |                          |
|-------------------------------|---|--------------------------|
| CARLOS CAREY, #245045,        | ) |                          |
|                               | ) |                          |
| Plaintiff,                    | ) |                          |
|                               | ) |                          |
| v.                            | ) | CASE NO. 2:16-CV-577-WKW |
|                               | ) |                          |
| CLIFF WALKER, <i>et al.</i> , | ) |                          |
|                               | ) |                          |
| Defendants.                   | ) |                          |

**ORDER**

On April 19, 2017, the Magistrate Judge filed a Recommendation (Doc. # 39), to which no objections have been filed. Upon an independent review of the record and upon consideration of the Recommendation, it is ORDERED as follows:

1. The Recommendation (Doc. # 39) is ADOPTED.
2. Plaintiff's motion to dismiss all claims against Defendant Lyn Head (Doc. # 35) pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure<sup>1</sup> is GRANTED.

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<sup>1</sup> A plaintiff may dismiss all claims against a defendant under Rule 41 even if there are other defendants in the case. *Klay v. United Healthgroup, Inc.*, 376 F.3d 1092, 1106 (11th Cir. 2004) ("Rule 41 allows a plaintiff to dismiss all of his claims against a particular defendant . . . ."); *see also Plain Growers, Inc. ex rel. Florists' Mut. Ins. Co. v. Ickes-Braun Glasshouses, Inc.*, 474 F.2d 250, 254 (5th Cir. 1973) ("There is little merit in the argument that the court could not dismiss the action as to less than all defendants upon motion [under (a)(2)] . . . ."); *Bonner v. City of Prichard, Ala.*, 661 F.2d 1206, 1209 (11th Cir. 1981) (*en banc*).

3. All claims of Plaintiff Carlos Carey against Defendant Lyn Head are DISMISSED with prejudice, and the Clerk of the Court is DIRECTED to terminate Lyn Head as a defendant in this action.

4. This case is referred back to the Magistrate Judge for further proceedings.

DONE this 17th day of May, 2017.

/s/ W. Keith Watkins

CHIEF UNITED STATES DISTRICT JUDGE